

By: *W. Jones, Jordan, Bernal - many*

J.R. No. 5

*M. J. R. D. S.*

A JOINT RESOLUTION

*J. R. D. S.*

proposing an amendment to Article III, Section 51-a, of the Texas Constitution, authorizing the Legislature to enact legislation, ~~and~~ appropriate funds for assistance grants, medical care, and rehabilitation services for needy individuals and families.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Article III, Section 51-a, of the Texas Constitution, be amended to read as follows:

"Section 51-a. (A) The Legislature may establish by General Law programs to provide assistance grants, medical care, rehabilitation services, and other services designed to assist needy families and individuals attain and retain their capability for independence or self-care and may prescribe requirements and regulations governing participation in these programs.

"(B) The Legislature may enact necessary legislation and may appropriate funds needed in order for the State of Texas to cooperate with the government of the United States in providing assistance to and medical care and rehabilitation services for needy individuals and families and may accept and expend funds from the Government of the United States for the purposes and in accordance with the laws of the United States as they now are or as they may hereafter be amended.

"(C) The medical care, services, or assistance provided shall include the employment of objective or subjective means, without the use of drugs, for the purpose of ascertaining and measuring the powers of vision of the human eye, and fitting lenses or prisms to correct or remedy any defect or abnormal condition of vision. Nothing herein shall be construed to permit optometrists to treat the eyes for any defect whatsoever in any manner nor to administer or to prescribe any drug or physical treatment whatsoever, unless the optometrist is a regularly licensed physician or surgeon under the laws of this State.

"(D) Nothing in this Section shall be construed to amend, modify, or repeal Section 31 of Article XVI of this Constitution."

Section 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the expiration of 100 days from the date on which this resolution is filed with the Secretary of State, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment authorizing the Legislature to enact programs to provide assistance grants, medical care, rehabilitation services, and other services designed to assist needy families and individuals and to determine appropriations for those programs."

Austin, Texas

21 Jan, 1971

Hon. Ben Barnes  
President of the Senate

Sir:

We, your Committee on Constitutional Amendments,  
to which was referred SJR ~~B.~~ No. 5, have had the same  
under consideration, and I am instructed to report it back to  
the Senate with the recommendation that it do \_\_\_\_\_  
pass \_\_\_\_\_ and be \_\_\_\_\_ printed.

Charles Wilson  
Chairman

CAS

AMENDMENT NO. \_\_\_\_\_

By: Moore

Moore

Amend the pending Sherman amendment by adding the following  
Section 2 and renumbering the succeeding sections to conform:

*Insert 2*  
~~SECTION 2.~~ That Article III of the Constitution of the State  
of Texas be amended by adding a new Section 51-b, and the same is  
hereby amended so as to read as follows:

Section 51-b. The limitations and restrictions contained in  
Article III, Section 51-a of the Texas Constitution on the expenditure  
of State funds for Public Assistance purposes shall not apply to or  
restrict or limit the Legislature in providing State funds for the  
payment of assistance grants to recipients of Old Age Assistance,  
Aid to the Blind, and Aid to the Permanently and Totally Disabled.

All other provisions of Section 51-a, with the exception of the  
Old Age Assistance citizenship provision, including but not limited  
to the authority to provide medical care on behalf of recipients of  
Old Age Assistance, Aid to the Blind and Aid to the Permanently and  
Totally Disabled, shall continue in full force and effect.

The Legislature shall have authority to prescribe eligibility  
requirements for participation in the Old Age Assistance, Aid to the  
Blind and Aid to the Permanently and Totally Disabled programs and  
shall have the authority to appropriate State funds which will  
enable the State of Texas to cooperate with the Government of the  
United States in providing grants to and/or medical care on behalf  
of such needy individuals.

**ADOPTED**

JAN 25 1971

*Charles Schnabel*  
SECRETARY OF SENATE

Read and Adopted

*Charles Schnabel*  
Secretary of the Senate

AMENDMENT NO. 1

BY *German*  
*Reesor*

Amend SENATE JOINT RESOLUTION NO. 5 by striking all below the Resolving Clause and inserting in lieu thereof the following:

SECTION 1. That Section 51-a of Article III of the Constitution of the State of Texas be amended, and the same is hereby amended so as to read as follows:

" Section 51-a. The Legislature shall have the power, by General Laws, to provide, subject to limitations herein contained, and such other limitations, restrictions and regulations as may by the Legislature be deemed expedient, for assistance grants to and/or medical care for, and for rehabilitation and any other services included in the Federal legislation authorizing matching funds to help such families and individuals attain or retain capability for independence or self-care, and for the payment of assistance grants to and/or medical care for, and for rehabilitation and other services for:

" (1) Needy aged persons;

" (2) Needy individuals who are totally and permanently disabled by reason of a mental or physical handicap or a combination of physical and mental handicaps;

" (3) Needy blind persons;

" (4) Needy dependent children and the caretakers of such children.

" The Legislature may prescribe the eligibility requirements for participation in these programs.

" The Legislature shall have authority to enact appropriate legislation which will enable the State of Texas to cooperate with the Government of the United States in providing assistance grants to and/or medical care on behalf of needy persons, and in providing rehabilitation and any other services included in the Federal legislation authorizing matching funds to help such families and individuals attain or retain capability for independence or self-care and to accept and expend funds from the Government of the United States for such purposes in accordance with the laws of the United States, as they now are or as they may hereafter be amended, and to make appropriations out of State funds in such

**ADOPTED**

JAN 25 1971

*Charles G. Hunsaker*

42

amounts as may be necessary and deemed appropriate by the Legislature for such purposes; provided that the maximum amount paid out of State funds to or on behalf of any individual recipient shall not exceed the amount that is matchable out of Federal funds; provided that the total amount of such assistance payments and/or medical assistance payments out of State funds on behalf of such recipients shall not exceed the amount that is matchable out of Federal funds.

Provided, further, that if the limitations and restrictions herein contained are found to be in conflict with the provisions of appropriate Federal statutes as they now are or as they may be amended, to the extent that Federal matching money is not available to the State for these purposes, then and in that event the Legislature is specifically authorized and empowered to prescribe such limitations and restrictions and enact such laws as may be necessary in order that such Federal matching money will be available for assistance and/or medical care for or on behalf of needy persons.

Nothing in this Section shall be construed to amend, modify or repeal Section 31 of Article XVI of this Constitution; provided further, however, that such medical care, services or assistance shall also include the employment of objective or subjective means, without the use of drugs, for the purpose of ascertaining and measuring the powers of vision of the human eye, and fitting lenses or prisms to correct or remedy any defect or abnormal condition of vision. Nothing herein shall be construed to permit optometrists to treat the eyes for any defect whatsoever in any manner nor to administer nor to prescribe any drug or physical treatment whatsoever, unless such optometrist is a regularly licensed physician or surgeon under the laws of this State.

*Insert*  
SECTION <sup>3</sup> 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the expiration of 100 days from the date on which this Resolution is filed with the Secretary of State, at which election the ballots shall be printed to provide for voting "FOR" or "AGAINST" the proposition:

The Constitutional Amendment providing for assistance to and/or medical care on behalf of the needy aged, the needy blind, the needy disabled, and the

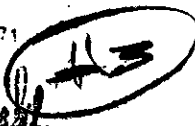
needy dependent children and their caretakers; authorizing the State of Texas to cooperate with the Government of the United States in providing such assistance to and/or medical care on behalf of such needy persons and to accept and expend funds available from the Government of the United States; authorizing the Legislature to make appropriations out of State funds in such amounts as may be necessary and deemed appropriate by the Legislature for such purposes; and authorizing the Legislature to enact such laws as may be necessary in order that federal matching money will be available for assistance and/or medical care.

Amend caption to conform to body  
of bill.

*S. J. R. No. 5*

**ADOPTED**

JAN 25 1971

*Mark Schuch* 

SECRETARY OF SENATE

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By: Wilson, Jordan, et al

S.J.R. No. 5

A JOINT RESOLUTION

proposing an amendment to Article III, Section 51-a, of the  
Texas Constitution, authorizing the Legislature to enact legislation,  
appropriate funds, and cooperate with the Federal Government  
in providing for assistance grants, medical care, and rehabilitation  
services for needy individuals and families; and providing for an  
election.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 51-a of Article III of the  
Constitution of the State of Texas be amended, and the same is  
hereby amended so as to read as follows:

"Section 51-a. The Legislature shall have the power, by  
General Laws, to provide, subject to limitations herein contained,  
and such other limitations, restrictions and regulations as may by  
the Legislature be deemed expedient, for assistance grants to and/or  
medical care for, and for rehabilitation and any other services  
included in the Federal legislation authorizing matching funds to  
help such families and individuals attain or retain capability for  
independence or self-care, and for the payment of assistance grants  
to and/or medical care for, and for rehabilitation and other  
services for:

"(1) Needy aged persons;

"(2) Needy individuals who are totally and permanently  
disabled by reason of a mental or physical handicap or a combination  
of physical and mental handicaps;

"(3) Needy blind persons;

"(4) Needy dependent children and the caretakers of such  
children.

"The Legislature may prescribe the eligibility requirements



for participation in these programs.

"The Legislature shall have authority to enact appropriate legislation which will enable the State of Texas to cooperate with the Government of the United States in providing assistance grants to and/or medical care on behalf of needy persons, and in providing rehabilitation and any other services included in the Federal legislation authorizing matching funds to help such families and individuals attain or retain capability for independence or self-care and to accept and expend funds from the Government of the United States for such purposes in accordance with the laws of the United States, as they now are or as they may hereafter be amended, and to make appropriations out of State funds in such amounts as may be necessary and deemed appropriate by the Legislature for such purposes; provided that the maximum amount paid out of State funds to or on behalf of any individual recipient shall not exceed the amount that is matchable out of Federal funds; provided that the total amount of such assistance payments and/or medical assistance payments out of State funds on behalf of such recipients shall not exceed the amount that is matchable out of Federal funds.

"Provided further, that if the limitations and restrictions herein contained are found to be in conflict with the provisions of appropriate Federal statutes as they now are or as they may be amended, to the extent that Federal matching money is not available to the State for these purposes, then and in that event the Legislature is specifically authorized and empowered to prescribe such limitations and restrictions and enact such laws as may be necessary in order that such Federal matching money will be available for assistance and/or medical care for or on behalf of needy persons.

"Nothing in this section shall be construed to amend, modify or repeal Section 31 of Article XVI of this Constitution; provided further, however, that such medical care, services or assistance shall also include the employment of objective or subjective means, without the use of drugs, for the purpose of ascertaining and measuring the powers of vision of the human eye, and fitting lenses or prisms to correct or remedy any defect or abnormal condition of vision. Nothing herein shall be construed to permit optometrists to treat the eyes for any defect whatsoever in any manner nor to administer nor to prescribe any drug or physical treatment whatsoever, unless such optometrist is a regularly licensed physician or surgeon under the laws of this State."

Sec. 2. That Article III of the Constitution of the State of Texas be amended by adding a new Section 51-b, and the same is hereby amended so as to read as follows: \_\_\_\_\_

"Section 51-b. The limitations and restrictions contained in Article III, Section 51-a of the Texas Constitution on the expenditure of State funds for Public Assistance purposes shall not apply to or restrict or limit the Legislature in providing State funds for the payment of assistance grants to recipients of Old Age Assistance, Aid to the Blind, and Aid to the Permanently and Totally Disabled. \_\_\_\_\_

"All other provisions of Section 51-a, with the exception of the Old Age Assistance citizenship provision, including but not limited to the authority to provide medical care on behalf of recipients of Old Age Assistance, Aid to the Blind and Aid to the Permanently and Totally Disabled, shall continue in full force and effect. \_\_\_\_\_

"The Legislature shall have authority to prescribe eligibility requirements for participation in the Old Age Assistance, Aid to the Blind and Aid to the Permanently and Totally Disabled programs and shall have the authority to appropriate State funds which will enable the State of Texas to cooperate with the Government of the United States in providing grants to and/or medical care on behalf of such needy individuals."

Sec. 3. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on the first Tuesday after the expiration of 100 days from the date on which this Resolution is filed with the Secretary of State, at which election the ballots shall be printed to provide for voting "FOR" or "AGAINST" the proposition:

The Constitutional Amendment providing for assistance to and/or medical care on behalf of the needy aged, the needy blind, the needy disabled, and the needy dependent children and their caretakers; authorizing the State of Texas to cooperate with the Government of the United States in providing such assistance to and/or medical care on behalf of such needy persons and to accept and expend funds available from the Government of the United States; authorizing the Legislature to make appropriations out of State funds in such amounts as may be necessary and deemed appropriate by the Legislature for such purposes; and authorizing the Legislature to enact such laws as may be necessary in order that federal matching money will be available for assistance and/or medical care.

FORM C

(For a favorable report on a bill where a "committee substitute" was recommended by the committee.)

COMMITTEE REPORT

Date 1-22-70

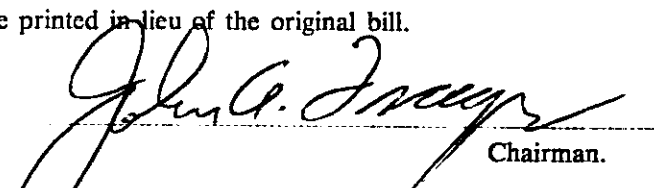
HON. G. F. (GUS) MUTSCHER

Speaker of the House of Representatives.

Sir:

We, your Committee on Constitutional Amendments, to whom was referred SJR No. 5, have had the same under consideration and beg to report back with recommendation that it do pass, and be not printed.

Committee Substitute was recommended and is to be printed in lieu of the original bill.

  
Chairman.

(A "committee substitute" in the case of a bill is in the form of two suggested amendments, a new body and a new caption. Under the Rules a committee may authorize the printing of the "committee substitute" in lieu of the original bill. If the original caption is adequate, the "committee substitute" should be only a new body; and in such case the original caption should be printed along with the suggested new body.)

1 By: Wilson

S. J. R. No. 5

2 (In the Senate. --January 14, 1971, read, referred to Committee on Con-  
3 stitutional Amendments: January 21, 1971, reported favorably; January 25,  
4 1971, read second time and ordered engrossed, as amended; January 25, 1971,  
5 caption ordered amended to conform to body of bill; January 25, 1971, Senate  
6 and Constitutional 3-Day Rules suspended by vote of 26 yeas, 4 nays to place  
7 bill on third reading and final passage; January 25, 1971, read third time and  
8 passed by 26 yeas, 4 nays.)

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12 January 25, 1971, Engrossed.

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15 January 26, 1971, Sent to House.

16 January 26, 1971, Received from the Senate.

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19 (In the House. --January 26, 1971, read first time and referred to Com-  
20 mittee on Constitutional Amendments: January 28, 1971, reported favorably,  
21 as amended, sent to Printer.)

22 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

23

COMMITTEE AMENDMENT NO. 1

24 Amend Senate Joint Resolution No. 5 by striking all below the resolving  
25 clause and inserting in lieu thereof the following:

26 Section 1. That Article III of the Constitution of the State of Texas be  
27 amended by adding a new Section 51a-1, and the same is hereby amended  
28 so as to read as follows:

29 "Section 51a-1. The limitations and restrictions contained in Article III,  
30 Section 51-a of the Texas Constitution on the expenditure of State funds for  
31 public assistance purposes shall not apply to or restrict or limit the Legisla-  
32 ture in providing State funds for the payment of assistance grants to recipients  
33 of old age assistance, aid to the blind, and aid to the permanently and totally  
34 disabled.

35 "All other provisions of Section 51-a, shall continue in full force and effect."

36 Section 2. The foregoing constitutional amendment shall be submitted to a  
37 vote of the qualified electors of this State at an election to be held on the first  
38 Tuesday after the expiration of 100 days from the date on which this resolu-  
39 tion is filed with the Secretary of State, at which election the ballots shall be  
40 printed to provide for voting for or against the proposition: "The constitu-  
41 tional amendment removing the old age assistance, aid to the blind and aid  
42 to the permanently and totally disabled programs from the limitations and  
43 restrictions on the expenditure of State funds as provided in Section 51-a of  
44 Article III."

45

Wieting

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COMMITTEE AMENDMENT NO. 2

48 Amend Senate Joint Resolution No. 5 by striking all above the resolving  
49 clause and inserting in lieu thereof the following:

50

A JOINT RESOLUTION

51 PROPOSING a Constitutional Amendment removing the Old Age  
52 Assistance, Aid to the Blind, and Aid to the Permanently  
53 and Totally Disabled programs from the Constitutional  
54 limitations and restrictions on the use of State funds as  
55 contained in Article III, Section 51-a of the Texas Con-  
56 stitution.

57

Wieting

58

59

60

COMMITTEE REPORT

COMMITTEE ROOM

Austin, Texas, January 28, 1971

Hon. G. F. (Gus) Mutscher, Speaker of the House of Representatives.

SIR: We, your Committee on Constitutional Amendments, to whom was referred S. J. R. No. 5, have had the same under consideration and beg to report back with recommendation that it do pass, and be not printed.

Committee Substitute was recommended and is to be printed in lieu of the original bill.

John A. Traeger, Chairman

BILL ANALYSIS

Background Information:

The Department of Welfare reports that under the present Constitutional ceiling, the allocated funds for welfare assistance grants to the needy will be exhausted within six months. Only immediate amendatory legislation will avert a substantial cut-back in these grants-in-aid.

Purpose of the Resolution:

S. J. R. No. 5 alleviates the recurrent welfare crises due to heretofore inflexible Constitutional limitations on welfare expenditures.

Section by Section Analysis:

Section 1: That Section 51a of Article III be amended by adding Section 51a-1. This would:

(1) Remove the old age assistance, aid to the blind, and aid to the permanently and totally disabled programs from the Constitutionally imposed expenditure ceiling.

(2) All other provisions of 51a shall remain in full force and effect.

Section 2: Above amendment shall be submitted to vote of the people 100 days after the filing with the Secretary of State.

Summary of Committee Action:

S. J. R. No. 5, as amended, was passed by a voice vote.

AMENDMENT NO. \_\_\_\_\_

BY

Tuan

Amend Section 2 of Committee Amendment  
#1 to SJR #5

by substituting "May 18, 1971," for ~~\* on~~ "the first Tuesday  
after the expiration of 100 days from the  
date on which this resolution is  
filed with the Secretary of State,"

FEB 2 1971

DATE \_\_\_\_\_

READ AND ADOPTED

Dorothy Hallman

CHIEF CLERK  
HOUSE OF REPRESENTATIVES

Waiting

①

COMMITTEE AMENDMENT NO. 1

Amend Senate Joint Resolution No. 5 by striking all below the resolving clause and inserting in lieu thereof the following:

Section 1. That Article III of the Constitution of the State of Texas be amended by adding a new Section 51a-1, and the same is hereby amended so as to read as follows:

"Section 51a-1. The limitations and restrictions contained in Article III, Section 51-a of the Texas Constitution on the expenditure of State funds for public assistance purposes shall not apply to or restrict or limit the Legislature in providing State funds for the payment of assistance grants to recipients of old age assistance, aid to the blind, and aid to the permanently and totally disabled.

"All other provisions of Section 51-a, ~~with the exception of the old age assistance citizenship provision~~, shall continue in full force and effect."

Section 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on the first Tuesday after the expiration of 100 days from the date on which this resolution is filed with the Secretary of State, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment removing the old age assistance, aid to the blind and aid to the permanently and totally disabled programs from the limitations and restrictions on the expenditure of State funds as provided in Section 51-a of Article III."

COMMITTEE AMENDMENT  
NO. 1

FEB 2 1971

MOTION TO RECONSIDER THE VOTE BY WHICH Committee Amendment #1 WAS ADOPTED / PASSED AND TO TABLE THE MOTION TO RECONSIDER PREVAILED PASSED BY A non-record VOTE OF 26 YES AND 0 NOES  
Forrest H. Hall  
CHIEF CLERK HOUSE OF REPRESENTATIVES

FEB 2 1971

DATE

READ AND ADOPTED

Forrest H. Hall  
CHIEF CLERK  
HOUSE OF REPRESENTATIVES

as amended  
by vote of 120 ayes  
26 noes



3  
AMENDMENT NO. \_\_\_\_\_

BY \_\_\_\_\_

*Comm amend #1 to*  
Amend S.J.R. No. 5 by striking all below the resolving  
clause and substituting the following:

Section 1. That Article III, Section 51-a, of the Texas Constitution, be amended to read as follows:

"Section 51-a. The Legislature shall have the power, by General Laws, to provide, subject to limitations herein contained, and such other limitations, restrictions and regulations as may by the Legislature be deemed expedient, for assistance grants to and/or medical care for, and for rehabilitation and any other services included in the federal laws as they now read or as they may hereafter be amended, providing matching funds to help such families and individuals attain or retain capability for independence or self-care, and for the payment of assistance grants to and/or medical care for, and for rehabilitation and other services to or on behalf of:

"(1) Needy aged persons who are citizens of the United States or noncitizens who shall have resided within the boundaries of the United States for at least twenty-five (25) years;

"(2) Needy individuals who are totally and permanently disabled by reason of a mental or physical handicap or a combination of physical and mental handicaps;

"(3) Needy blind persons;

"(4) Needy dependent children and the caretakers of such children."

2-1953(2)  
CMB

DATE FEB 2 1971

READ AND ADOPTED  
*Dorothy Hallman*

CHIEF CLERK  
HOUSE OF REPRESENTATIVES

*By voted 85 ayes 63 noes*

"The Legislature may prescribe such other eligibility requirements for participation in these programs as it deems appropriate.

"The Legislature shall have authority to enact appropriate legislation which will enable the State of Texas to cooperate with the Government of the United States in providing assistance to and/or medical care on behalf of needy persons, in providing rehabilitation and any other services included in the federal laws making matching funds available to help such families and individuals attain or retain capability for independence or self-care, to accept and expend funds from the Government of the United States for such purposes in accordance with the laws of the United States as they now are or as they may hereafter be amended, and to make appropriations out of state funds for such purposes; provided that the maximum amount paid out of state funds to or on behalf of any needy person shall not exceed the amount that is matchable out of federal funds; provided that the total amount of state funds paid for assistance grants for needy dependent children and the caretakers of the children shall not exceed Fifty ~~Million~~ <sup>FIVE</sup> Million Dollars (~~\$4~~ <sup>55</sup>,000,000) during any fiscal year.

"Provided further, that if the limitations and restrictions herein contained are found to be in conflict with the provisions of appropriate federal statutes, as they now are or as they may be amended to the extent that federal matching money is not available to the state for these purposes, then and in that event the Legislature is specifically authorized and empowered to prescribe such limitations, and restrictions and enact such laws as

may be necessary in order that such federal matching money will be available for assistance and/or medical care for or on behalf of needy persons.

"Nothing in this Section shall be construed to amend, modify or repeal Section 31 of Article XVI of this Constitution; provided further, however, that such medical care, services or assistance shall also include the employment of objective or subjective means, without the use of drugs, for the purpose of ascertaining and measuring the powers of vision of the human eye, and fitting lenses or prisms to correct or remedy any defect or abnormal condition of vision. Nothing herein shall be construed to permit optometrists to treat the eyes for any defect whatsoever in any manner nor to administer nor to prescribe any drug or physical treatment whatsoever, unless such optometrist is a regularly licensed physician or surgeon under the laws of this state."

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on May 18, 1971, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment removing the limitation on the total state appropriations for assistance grants for the needy aged, the needy disabled, and the needy blind, and setting a limitation of ~~\$5~~<sup>55</sup> million on total state appropriations during any fiscal year for assistance grants for needy dependent children and the caretakers of such children."

CONFERENCE COMMITTEE REPORT

Austin, Texas  
February 4, 1971

The Honorable Ben Barnes,  
President of the Senate  
The Honorable G. F. (Gus) Mutscher,  
Speaker of the House of Representatives

Sirs:

We, your Conference Committee appointed to adjust the differences between the House and Senate on S.J.R. No. 5, have met and adjusted our differences and beg leave to recommend that it be passed in the form attached hereto.

Respectfully submitted,

*John G. Sawyer*

*W. B. Smith*

*W. J. Wething*

*Oscar Canillo Sr.*

*W. Byron P. H.*

On the part of the House

*Wilson*

*Moore*

*Jordan*

*Leunary*

*Mauzy*

On the part of the Senate

**ADOPTED** by vote of 27 yeas & 4 nays

FEB 4 1971

*Charles Schuck*

SECRETARY OF SENATE

1 By: Wilson

S.J.R. No. 5

2  
3  
4 A JOINT RESOLUTION

5  
6 proposing an amendment to Article III, Section 51-a, of the Texas  
7 Constitution to remove the limitation on the total state appro-  
8 priations for assistance grants for the needy aged, the needy  
9 disabled, and the needy blind, and setting a limitation on the  
10 total State appropriations during any fiscal year for assistance  
11 grants for needy dependent children and the caretakers of such  
12 children.

13  
14 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

15  
16 Section 1. That Article III, Section 51-a, of the Texas  
17 Constitution, be amended to read as follows:

18 "Section 51-a. The Legislature shall have the power, by  
19 General Laws, to provide, subject to limitations herein con-  
20 tained, and such other limitations, restrictions and regulations  
21 as may by the Legislature be deemed expedient, for assistance  
22 grants to and/or medical care for, and for rehabilitation and  
23 any other services included in the federal laws as they now read  
24 or as they may hereafter be amended, providing matching funds to  
25 help such families and individuals attain or retain capability  
26 for independence or self-care, and for the payment of assistance  
27 grants to and/or medical care for, and for rehabilitation and  
28 other services to or on behalf of:

29 "(1) -Needy aged persons who are citizens of the United/  
30 States or noncitizens who shall have resided within the bound-/  
31 aries of the United States for at least twenty-five (25) years;

32 "(2) -Needy individuals who are totally and permanently  
33 disabled by reason of a mental or physical handicap or a combina-  
34 tion of physical and mental handicaps;

35 "(3) -Needy blind persons;

36 "(4) -Needy dependent children and the caretakers of such  
37 children.

38 "The Legislature may prescribe such other eligibility  
39 requirements for participation in these programs as it deems  
40 appropriate.

41 "The Legislature shall have authority to enact appropriate  
42 legislation which will enable the State of Texas to cooperate  
43 with the Government of the United States in providing assistance  
44 to and/or medical care on behalf of needy persons, in providing  
45 rehabilitation and any other services included in the federal  
46 laws making matching funds available to help such families and  
47 individuals attain or retain capability for independence or self-  
48 care, to accept and expend funds from the Government of the  
49 United States for such purposes in accordance with the laws of  
50 the United States as they now are or as they may hereafter be  
51 amended, and to make appropriations out of State funds for such  
52 purposes; provided that the maximum amount paid out of State  
53 funds to or on behalf of any needy person shall not exceed the  
54 amount that is matchable out of federal funds; provided that the

1 total amount of State funds paid for assistance grants for needy  
2 dependent children and the caretakers of the children shall not  
3 exceed Fifty-Five Million Dollars (\$55,000,000) during any fiscal  
4 year.

5 "Provided further, that if the limitations and restrictions  
6 herein contained are found to be in conflict with the provisions  
7 of appropriate federal statutes, as they now are or as they may  
8 be amended to the extent that federal matching money is not  
9 available to the State for these purposes, then and in that event  
10 the Legislature is specifically authorized and empowered to pre-  
11 scribe such limitations and restrictions and enact such laws as  
12 may be necessary in order that such federal matching money will  
13 be available for assistance and/or medical care for or on behalf  
14 of needy persons.

15 "Nothing in this Section shall be construed to amend,  
16 modify or repeal Section 31 of Article XVI of this Constitution;  
17 provided further, however, that such medical care, services or  
18 assistance shall also include the employment of objective or sub-  
19 jective means, without the use of drugs, for the purpose of  
20 ascertaining and measuring the powers of vision of the human eye,  
21 and fitting lenses or prisms to correct or remedy any defect or  
22 abnormal condition of vision. Nothing herein shall be construed  
23 to permit optometrists to treat the eyes for any defect whatso-  
24 ever in any manner nor to administer nor to prescribe any drug  
25 or physical treatment whatsoever, unless such optometrist is a  
26 regularly licensed physician or surgeon under the laws of this  
27 State."

28 Sec. 2. The foregoing constitutional amendment shall be  
29 submitted to a vote of the qualified electors of this State at an  
30 election to be held on May 18, 1971, at which election the ballots  
31 shall be printed to provide for voting for or against the prop-  
32 osition: "The constitutional amendment removing the limitation  
33 on the total State appropriations for assistance grants for the  
34 needy aged, the needy disabled, and the needy blind, and setting  
35 a limitation on total State appropriations during any fiscal year  
36 for assistance grants for needy dependent children and the care-  
37 takers of such children."  
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CONFERENCE COMMITTEE REPORT

Austin, Texas  
February 4, 1971

The Honorable Ben Barnes,  
President of the Senate  
The Honorable G. F. (Gus) Mutscher,  
Speaker of the House of Representatives

Sirs:

We, your Conference Committee appointed to adjust the differences between the House and Senate on S.J.R. No. 5, have met and adjusted our differences and beg leave to recommend that it be passed in the form attached hereto.

Respectfully submitted,

*John C. Draper*  
*W. B. Smith*  
*Ray M. Westbrook*  
*Oscar Leavell S.*  
*H. Bryan P. R.*

On the part of the House

*Wilson*  
*Moore*  
*Landon*  
*Kennard*  
*Mary*

On the part of the Senate

FEB 4 1971

Motion to suspend all necessary rules  
to consider, prevailed by ~~yeas~~ <sup>yeas</sup> ~~noes~~ <sup>noes</sup>

*to take up & consider*  
*the Conference Committee Report on*  
*S.J.R. No. 5 prevailed by yeas - record vote*

FEB 4 1971

FEB 4 1971

*Dorothy Hallman*

Chief Clerk, House of Representatives

*Dorothy Hallman*

Chief Clerk, House of Representatives

FEB 4 1971

The House has  
adopted the Conference Committee Report  
on House Bill No. *SJR 45* by a vote  
of *122* yeas, *17* noes.

*Dorothy Hallman*

Chief Clerk, House of Representatives

FEB 4 1971

RETURNED TO SENATE

✓ Ailed

1 By: ~~Wilson~~

S.J.R. No. 5

2  
3  
4 A JOINT RESOLUTION

5  
6 proposing an amendment to Article III, Section 51-a, of the Texas  
7 Constitution to remove the limitation on the total state appro-  
8 priations for assistance grants for the needy aged, the needy  
9 disabled, and the needy blind, and setting a limitation on the  
10 total State appropriations during any fiscal year for assistance  
11 grants for needy dependent children and the caretakers of such  
12 children.

13  
14 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

15  
16 Section 1. That Article III, Section 51-a, of the Texas  
17 Constitution, be amended to read as follows:

18 "Section 51-a. The Legislature shall have the power, by  
19 General Laws, to provide, subject to limitations herein con-  
20 tained, and such other limitations, restrictions and regulations  
21 as may by the Legislature be deemed expedient, for assistance  
22 grants to and/or medical care for, and for rehabilitation and  
23 any other services included in the federal laws as they now read  
24 or as they may hereafter be amended, providing matching funds to  
25 help such families and individuals attain or retain capability  
26 for independence or self-care, and for the payment of assistance  
27 grants to and/or medical care for, and for rehabilitation and  
28 other services to or on behalf of:

29 "(1) - Needy aged persons who are citizens of the United  
30 States or noncitizens who shall have resided within the bound-  
31 aries of the United States for at least twenty-five (25) years;

32 "(2) - Needy individuals who are totally and permanently  
33 disabled by reason of a mental or physical handicap or a combina-  
34 tion of physical and mental handicaps;

35 "(3) - Needy blind persons;

36 "(4) - Needy dependent children and the caretakers of such  
37 children.

38 "The Legislature may prescribe such other eligibility  
39 requirements for participation in these programs as it deems  
40 appropriate.

41 "The Legislature shall have authority to enact appropriate  
42 legislation which will enable the State of Texas to cooperate  
43 with the Government of the United States in providing assistance  
44 to and/or medical care on behalf of needy persons, in providing  
45 rehabilitation and any other services included in the federal  
46 laws making matching funds available to help such families and  
47 individuals attain or retain capability for independence or self-  
48 care, to accept and expend funds from the Government of the  
49 United States for such purposes in accordance with the laws of  
50 the United States as they now are or as they may hereafter be  
51 amended, and to make appropriations out of State funds for such  
52 purposes; provided that the maximum amount paid out of State  
53 funds to or on behalf of any needy person shall not exceed the  
54 amount that is matchable out of federal funds; provided that the



S. R. No. 5

1 total amount of State funds paid for assistance grants for needy  
2 dependent children and the caretakers of the children shall not  
3 exceed Fifty-Five Million Dollars (\$55,000,000) during any fiscal  
4 year.

5 "Provided further, that if the limitations and restrictions  
6 herein contained are found to be in conflict with the provisions  
7 of appropriate federal statutes, as they now are or as they may  
8 be amended to the extent that federal matching money is not  
9 available to the State for these purposes, then and in that event  
10 the Legislature is specifically authorized and empowered to pre-  
11 scribe such limitations and restrictions and enact such laws as  
12 may be necessary in order that such federal matching money will  
13 be available for assistance and/or medical care for or on behalf  
14 of needy persons.

15 "Nothing in this Section shall be construed to amend,  
16 modify or repeal Section 31 of Article XVI of this Constitution;  
17 provided further, however, that such medical care, services or  
18 assistance shall also include the employment of objective or sub-  
19 jective means, without the use of drugs, for the purpose of  
20 ascertaining and measuring the powers of vision of the human eye,  
21 and fitting lenses or prisms to correct or remedy any defect or  
22 abnormal condition of vision. Nothing herein shall be construed  
23 to permit optometrists to treat the eyes for any defect whatso-  
24 ever in any manner nor to administer nor to prescribe any drug  
25 or physical treatment whatsoever, unless such optometrist is a  
26 regularly licensed physician or surgeon under the laws of this  
27 State."

28 Sec. 2. The foregoing constitutional amendment shall be  
29 submitted to a vote of the qualified electors of this State at an  
30 election to be held on May 18, 1971, at which election the ballots  
31 shall be printed to provide for voting for or against the prop-  
32 osition: "The constitutional amendment removing the limitation  
33 on the total State appropriations for assistance grants for the  
34 needy aged, the needy disabled, and the needy blind, and setting  
35 a limitation on total State appropriations during any fiscal year  
36 for assistance grants for needy dependent children and the care-  
37 takers of such children."  
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By: Wilson, Jordan, et al

S. J. R. No. 5

A JOINT RESOLUTION

proposing an amendment to Article III, Section 51-a, of the Texas Constitution to remove the limitation on the total state appropriations for assistance grants for the needy aged, the needy disabled, and the needy blind, and setting a limitation on the total State appropriations during any fiscal year for assistance grants for needy dependent children and the caretakers of such children.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Article III, Section 51-a, of the Texas Constitution, be amended to read as follows:

"Section 51-a. The Legislature shall have the power, by General Laws, to provide, subject to limitations herein contained, and such other limitations, restrictions and regulations as may by the Legislature be deemed expedient, for assistance grants to and/or medical care for, and for rehabilitation and any other services included in the federal laws as they now read or as they may hereafter be amended, providing matching funds to help such families and individuals attain or retain capability for independence or self-care, and for the payment of assistance grants to and/or medical care for, and for rehabilitation and other services to or on behalf of:

"(1) Needy aged persons who are citizens of the United States or noncitizens who shall have resided within the boundaries of the United States for at least twenty-five (25) years;

"(2) Needy individuals who are totally and permanently disabled by reason of a mental or physical handicap or a

combination of physical and mental handicaps;

"(3) Needy blind persons;

"(4) Needy dependent children and the caretakers of such children.

"The Legislature may prescribe such other eligibility requirements for participation in these programs as it deems appropriate.

"The Legislature shall have authority to enact appropriate legislation which will enable the State of Texas to cooperate with the Government of the United States in providing assistance to and/or medical care on behalf of needy persons, in providing rehabilitation and any other services included in the federal laws making matching funds available to help such families and individuals attain or retain capability for independence or self-care, to accept and expend funds from the Government of the United States for such purposes in accordance with the laws of the United States as they now are or as they may hereafter be amended, and to make appropriations out of State funds for such purposes; provided that the maximum amount paid out of State funds to or on behalf of any needy person shall not exceed the amount that is matchable out of federal funds; provided that the total amount of State funds paid for assistance grants for needy dependent children and the caretakers of the children shall not exceed Fifty-Five Million Dollars (\$55,000,000) during any fiscal year.

"Provided further, that if the limitations and restrictions herein contained are found to be in conflict with the provisions of appropriate federal statutes, as they now are or as they may

be amended to the extent that federal matching money is not available to the State for these purposes, then and in that event the Legislature is specifically authorized and empowered to prescribe such limitations and restrictions and enact such laws as may be necessary in order that such federal matching money will be available for assistance and/or medical care for or on behalf of needy persons.

"Nothing in this section shall be construed to amend, modify or repeal Section 31 of Article XVI of this Constitution; provided further, however, that such medical care, services or assistance shall also include the employment of objective or subjective means, without the use of drugs, for the purpose of ascertaining and measuring the powers of vision of the human eye, and fitting lenses or prisms to correct or remedy any defect or abnormal condition of vision. Nothing herein shall be construed to permit optometrists to treat the eyes for any defect whatsoever in any manner nor to administer nor to prescribe any drug or physical treatment whatsoever, unless such optometrist is a regularly licensed physician or surgeon under the laws of this State."

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on May 18, 1971, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment removing the limitation on the total State appropriations for assistance grants for the needy aged, the needy disabled, and the needy blind, and setting a limitation on total State appropriations during any fiscal year

for assistance grants for needy dependent children and the caretakers of such children."

*Ben Barnes*

Lieutenant Governor

Speaker of the House

I hereby certify that S. J. R. No. 5 passed the Senate on January 25, 1971, by the following vote: Yeas 26, Nays 4; February 4, 1971, Senate refused to concur in House amendments and requested appointment of Conference Committee; February 4, 1971, House granted request of the Senate; February 4, 1971, Senate adopted Conference Report by the following vote: Yeas 27, Nays 4.

Secretary of the Senate

I hereby certify that S. J. R. No. 5 passed the House on February 2, 1971, with amendments, by the following vote: Yeas 116, Nays 31; February 4, 1971, House granted request of the Senate for appointment of Conference Committee; February 4, 1971, House adopted Conference Report by the following vote: Yeas 122, Nays 17.

Chief Clerk of the House

Approved:

2-5-71

Date

*Signed*

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
4:10 PM CLOCK

FEB 5 1971

Secretary of State

*Wilson*

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
*4 10 pm* O'CLOCK

FEB 5 1971

*SJM*

Secretary of State

S.J.R. No. 5

By Wilson

A JOINT RESOLUTION

proposing an amendment to Article III, Section 51-a, of the Texas Constitution, authorizing the Legislature to enact legislation and appropriate funds for assistance grants, medical care, and rehabilitation services for needy individuals and families.

Filed with the Secretary of the Senate

JAN 14 1971 Read, referred to Committee on ~~Constitutional Amendments~~ Constitutional Amendments

JAN 21 1971 Reported favorably.

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed.

Senate and Constitutional Rules to permit consideration suspended by  
unanimous consent.  
\_\_\_\_\_ years, \_\_\_\_\_ days.

To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ years, \_\_\_\_\_ days.

JAN 25 1971 Read second time and { ordered engrossed, as amended  
~~passed to third reading.~~

JAN 25 1971 Caption ordered amended to conform to body of bill.

JAN 25 1971 Senate and Constitutional 3-Day Rules suspended by vote of  
26 years, 4 days to place bill on third reading and final passage.

JAN 25 1971 Read third time and passed by 26 years, 4 days.

OTHER ACTION:

Charles Schnabel

Secretary of the Senate

1-25-71 Engrossed

JAN 26 1971 Sent to HOUSE

ENGROSSING CLERK

JAN 26 1971

Received from  
the Senate

Dorothy Hallman

Chief Clerk, House of Representatives

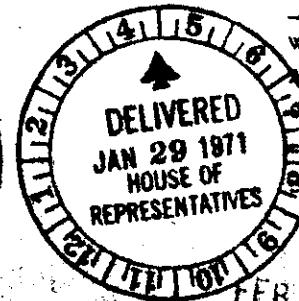
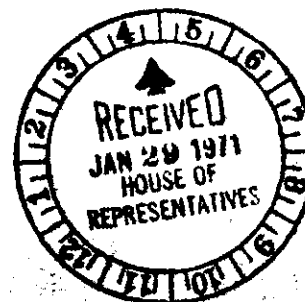
JAN 26 1971 READ 1st TIME  
AND REFERRED TO COMMITTEE ON

Constitutional Amendments

Dorothy Hallman

Chief Clerk, House of Representatives

JAN 28 1971 REPORTED FAVORABLY AS AMENDED SENT TO ~~PRINTED~~ HOUSE OF REPRESENTATIVES



PRINTED, DISTRIBUTED AND

REFERRED TO COMMITTEE ON

RULES 4:15 P. M. (Time)

JAN 29 1971 (Date)

FEB 2 1971

Read Second Time and passed to  
third reading by vote 116 ayes  
31 noes

Dorothy Hallman

Chief Clerk, House of Representatives

FEB 2 1971

Unanimous consent granted to amend  
caption of House Bill No. 5 to  
conform to body of bill.

Dorothy Hallman

Chief Clerk, House of Representatives

FEB 2 1971 MOTION TO RECONSIDER THE VOTE

WHICH S.J.R. #5  
ADOPTED AND TO TABLE THE MOTION TO  
REPREREVALED PASSED BY A Yea-Nay

AYES AND \_\_\_\_\_ NAYES

Dorothy Hallman  
CHIEF CLERK HOUSE OF REPRESENTATIVES

FEB 2 1971 RETURNED TO SENATE

FEB 3 1971

RETURNED FEB 3 1971  
FROM HOUSE Amended

FEB 4 1971

The Senate refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences between the two Houses, *Vina-Vose*

*Conferees: Wilson, Maury,  
Moore, Jordan, Kennard*

The House has granted the request of the Senate for the appointment of a Conference Committee to adjust the differences between the two Houses.

FEB 4 1971

*House Conferees: Traeger,  
Wisting, Carillo, Santibañez  
and Poff*

FEB 4 1971

*Conference Committee Report adopted  
by a vote of 27 ayes - 4 nays*